

(e) *Damaged packages.* The carrier shall promptly, upon discovery of evidence of leakage or any other damage to packages bearing an Etiologic Agents/Biomedical Material label, isolate the package and notify the Director, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, GA 30333, by telephone: (404) 633-5313. The carrier shall also notify the sender.

(f) *Registered mail or equivalent system.* Transportation of the following etiologic agents shall be by registered mail or an equivalent system which requires or provides for sending notification of receipt to the sender immediately upon delivery:

Coccidioides immitis.

Ebola virus.

Francisella (Pasteurella) tularensis.

Hemorrhagic fever agents including, but not limited to, Crimean hemorrhagic fever (Congo), Junin, Machupo viruses, and Korean hemorrhagic fever viruses.

Herpesvirus simiae (B virus).

Histoplasma capsulatum.

Lassa virus.

Marburg virus.

Pseudomonas mallei.

Pseudomonas pseudomallei.

Tick-borne encephalitis virus complex including, but not limited to, Russian spring-summer encephalitis, Kyasanur forest disease, Omsk Hemorrhagic fever, and Central European encephalitis viruses, Variola minor, and Variola major.

Variola major, Variola minor, and Whitepox viruses.

*Yersinia (Pasteurella) pestis.*³

§ 72.4 Notice of delivery; failure to receive.

When notice of delivery of materials known to contain or reasonably believed to contain etiologic agents listed in § 72.3(f) is not received by the sender within 5 days following anticipated delivery of the package, the sender shall notify the Director, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, GA 30333 (telephone (404) 633-5313). This section does not apply to select agents and toxins that are subject to requirements under the provi-

sions of 42 CFR 73.16 concerning transfers of select agents and toxins.

[45 FR 48627, July 21, 1980, as amended at 70 FR 13316, Mar. 18, 2005]

§ 72.5 Requirements; variations.

The Director, Center for Disease Control, may approve variations from the requirements of this section if, upon review and evaluation, it is found that such variations provide protection at least equivalent to that provided by compliance with the requirements specified in this section and such findings are made a matter of official record.

§ 72.6 Exemptions.

(a) through (g) [Reserved]

(h) For purposes of 18 U.S.C. 175b, the exemptions to the list referred to in Appendix A constitute the exemptions set forth at 42 CFR 73.5 and 73.6.

[70 FR 13316, Mar. 18, 2005]

§ 72.7 Penalties.

Individuals in violation of this part are subject to a fine of no more than \$250,000 or one year in jail, or both. Violations by organizations are subject to a fine or no more than \$500,000 per event. A false, fictitious, or fraudulent statement or representation on the Government forms required in the part for registration of facilities or for transfers of select agents is subject to a fine or imprisonment for not more than five years, or both for an individual; and a fine for an organization.

[61 FR 55199, Oct. 24, 1996]

APPENDIX A TO PART 72—SELECT AGENTS

For purposes of 18 U.S.C. 175b, the list of select agents constitutes the list of select agents and toxins set forth at 42 CFR 73.3 and 73.4.

[70 FR 13316, Mar. 18, 2005]

PART 73—SELECT AGENTS AND TOXINS

Sec.

73.1 Definitions.

73.2 Purpose and scope.

73.3 HHS select agents and toxins.

73.4 Overlap select agents and toxins.

³This list may be revised from time to time by Notice published in the FEDERAL REGISTER to identify additional agents which must be transported in accordance with requirements contained in § 72.3(f).